

JOURNAL OF THE HOUSE.

Tuesday, July 22, 2014.

Met according to adjournment at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Pledge of
allegiance.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Resolutions.

New Bedford,—
Feast of
Blessed
Sacramento.

Resolutions (filed with the Clerk by Messrs. Koczera of New Bedford, Cabral of New Bedford, Markey of Dartmouth, Schmid of Westport and Straus of Mattapoisett) congratulating the Club Madeirense S.S. Sacramento on the one hundredth celebration of the Feast of Blessed Sacramento in the city of New Bedford, were referred, under Rule 85, to the committee on Rules.

Mr. Binienda of Worcester, for said committee, reported that the resolutions ought to be adopted. Under suspension of the rules on motion of Mr. Kafka of Stoughton, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Special Report.

Unemployment
Trust Fund.

A monthly report of the Executive Office of Labor and Workforce Development (under the provisions of Section 14F of Chapter 151A of the General Laws) relative to the condition of the Commonwealth's Unemployment Insurance Trust Fund through May, 2014, was placed on file.

Petitions.

Petitions severally were presented and referred as follows:

Lynn,—
municipal
salaries.

By Representative Fennell of Lynn and Senator McGee, a joint petition (accompanied by bill, House, No. 4335) of Robert F. Fennell and others (with the approval of the mayor and city council) that the city of Lynn be authorized to adjust the salaries of the mayor, city councillors and school committee members of said city; and

Barnstable,—
private
roads.

By Messrs. Mannal of Barnstable and Turner of Dennis, a petition (accompanied by bill, House, No. 4336) of Brian R. Mannal and Cleon H. Turner (by vote of the town council) relative the maintenance of private roads in the city known as the town of Barnstable;

Severally to the committee on Municipalities and Regional Government.
Severally sent to the Senate for concurrence.

Boston,—
land.

Mr. Rushing of Boston presented a petition (subject to Joint Rule 12) of Byron Rushing for legislation to authorize the transfer of a certain parcel of land from the Department of Conservation and Recreation to the Boston Redevelopment Authority and the city of Boston; and the same was referred, under Rule 24, to the committee on Rules.

Papers from the Senate.

The House Bill relative to the reduction of gun violence (House, No. 4285), came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2284.

Gun violence.

Under suspension of Rule 35, on motion of Mr. Mariano of Quincy, the amendment was considered forthwith. The House then non-concurred with the Senate in its amendment; and, on further motion of the same member, asked for a committee of conference on the disagreeing votes of the two branches. Representatives Mariano, Bradley of Hingham and Peterson of Grafton were appointed the committee on the part of the House. Sent to the Senate to be joined.

Committee of conference.

Subsequently notice was received from the Senate that said branch had insisted on its amendment, concurred with the House in the appointment of a committee of conference; and that Senators Timilty, Petrucci and Tarr had been appointed the committee on the part of the Senate.

Id.

A Bill authorizing the transfer of certain parcels of land in the town of Hubbardston (Senate, No. 2288) (on Senate, No. 2069), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Hubbardston,—land.

Reports of Committees.

By Mr. Michlewitz of Boston, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Rose M. Passey, an employee of the Department of Developmental Services (House, No. 4319). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Rose M. Passey,—sick leave.

Mr. Kafka of Stoughton for said committee then reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Sannicandro of Ashland, the bill was read a second time forthwith; and it was ordered to a third reading.

Reports

Of the committee on Transportation, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 4057) of Josh S. Cutler relative to reducing certain fees associated with veterans' registration plates;

Registration plates,—veterans.

Of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 4149) of Paul Brodeur relative to television broadcasts or other video images while operating a motor vehicle; and

Motor vehicle,—video images.

Of the same committee, ought NOT to pass (under Joint Rule 10), on the joint petition (accompanied by bill, House, No. 4206) of John V. Fernandes and Richard T. Moore for legislation to eliminate the annual fee for veterans distinctive license plates;

License plates,—veterans.

Severally were considered forthwith, under suspension of the rules, in each instance, on motion of Mr. Straus of Mattapoissett. Pending the question, in each instance, on acceptance of the report, the petitions were recommitted, on further motions of the same member.

Actuarial
opinion
act.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the property and casualty actuarial opinion act (House, No. 878), be scheduled for consideration by the House, with the amendment previously recommended by the committee on Ways and Means pending.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 4323),— was adopted.

The substituted bill then was ordered to a third reading.

Financial
examinations.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill relative to confidentiality in financial examinations (House, No. 879), be scheduled for consideration by the House, with the amendment previously recommended by the committee on Ways and Means pending.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 4324),— was adopted.

The substituted bill then was ordered to a third reading.

Old growth
forests.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the establishment of old growth forest reserves (House, No. 3670), be scheduled for consideration by the House, with the amendment previously recommended by the committee on Ways and Means pending.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 4325),— was adopted.

The substituted bill then was ordered to a third reading.

Reinsurance
requirements.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill relative to credit for reinsurance requirements (House, No. 4030), be scheduled for consideration by the House, with the amendment previously recommended by the committee on Ways and Means pending.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 4326),— was adopted.

The substituted bill then was ordered to a third reading.

Background
checks.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill to require national background checks (House, No. 4125), be scheduled for consideration by the House, with the amendment previously recommended by the committee on Ways and Means pending.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 4327),— was adopted.

The substituted bill then was ordered to a third reading.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the penalty for killing, maiming or poisoning of animals (House, No. 4244), be scheduled for consideration by the House, with the amendment previously recommended by the committee on Ways and Means pending. Animal cruelty.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 4328),— was adopted.

The substituted bill then was ordered to a third reading.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the regulation of the business of domestic and foreign money transmission by the Division of Banks (House, No. 4246), be scheduled for consideration by the House, with the amendment previously recommended by the committee on Ways and Means pending. Foreign money transmissions.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 4329),— was adopted.

The substituted bill then was ordered to a third reading.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

Senate bills

Clearing titles to foreclosed properties (Senate, No. 1987); and Foreclosures.
 Relative to the Massachusetts Broadband Institute (Senate, No. 2184); Broadband.

and

House bills

Relative to the possession of dangerous open flame devices (House, No. 2175); Open flames.

Relative to the registration of antique snowmobiles (House, No. 3858); Snowmobiles.
 and

Authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to grant easements to NStar Electric Company (House, No. 4288). NStar,— easement.

Under suspension of Rule 7A, in each instance, on motion of the same member, the bills severally were read a second time forthwith; and they were ordered to a third reading.

By Ms. Peisch of Wellesley, for the committee on Education, on Senate, Nos. 214, 237 and 268 and House, Nos. 426, 427, 471, 482, Education,— study.

Education,—
study.

498, 507 and 517, an Order relative to authorizing the committee on Education to make an investigation and study of certain Senate and House documents concerning at-risk students and school discipline (House, No. 4289).

Id.

By the same member, for the same committee, on Senate, Nos. 230, 260, 267, 275 and 280 and House, Nos. 329, 382, 394, 420 and 475, an Order relative to authorizing the committee on Education to make an investigation and study of certain Senate and House documents concerning curriculum (House, No. 4290).

Id.

By the same member, for the same committee, on Senate, Nos. 256 and 262 and House, No. 429, an Order relative to authorizing the committee on Education to make an investigation and study of certain Senate and House documents concerning accountability, compliance and technology (House, No. 4291).

Id.

By the same member, for the same committee, on House, No. 2993, an Order relative to authorizing the committee on Education to make an investigation and study of a certain House document concerning libraries (House, No. 4292).

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Binienda of Worcester, for said committees, reported, in each instance, asking to be discharged from further consideration of the orders; and recommending that the same severally be referred to the House committee on Rules.

Students with
disabilities,—
equity.

By Ms. Peisch of Wellesley, for the committee on Education, on Senate, Nos. 233 and 259 and House, No. 499, a Bill to ensure equity and fairness for students with disabilities (House, No. 4333).

Athletic
competition
working
group.

By the same member, for the same committee, on House, Nos. 445 and 448, a Bill establishing an interscholastic athletic competition working group (House, No. 4334).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

House bills

Drain cleaners.

To establish licensing standards for drain cleaners (House, No. 196);

Mental health
services.

Regarding rights of persons receiving services from program or facilities of the Department of Mental Health (House, No. 3804);

Great
Barrington.

Relative to the board of selectmen-town manager form of government in the town of Great Barrington (House, No. 4192) [Local Approval Received];

Framingham,—
roads.

Providing a simplified procedure for municipal acceptance of subdivision roads in the town of Framingham (House, No. 4193) [Local Approval Received];

Boston,—
Marine Park.

Relative to the naming of the street hockey arena in Marine Park in the South Boston neighborhood in the city of Boston (House, No. 4201);

Shrewsbury,—
fund.

Authorizing the town of Shrewsbury to establish a special fund (House, No. 4219) [Local Approval Received];

Harwich,—
charter.

Relative to the charter of the town of Harwich (House, No. 4220) [Local Approval Received];

- Relative to town manager in the town of Dedham (House, No. 4261) [Local Approval Received]; Dedham,—
town manager.
- Regarding further protection of consumers in the Commonwealth (House, No. 4277); Consumer
protection.
- Authorizing the town of Walpole to grant additional licenses for the sale of alcoholic beverages to be drunk on the premises (House, No. 4309) [Local Approval Received]; Walpole,—
liquor licenses.
- Authorizing the city of Beverley to issue additional liquor licenses (House, No. 4310) [Local Approval Received]; Beverley,—
liquor licenses.
- Authorizing the town of Southborough to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4311) [Local Approval Received]; and Southborough,—
liquor license.
- Authorizing the town of Southborough to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4312) [Local Approval Received]; Id.
- Severally placed in the Orders of the Day for the next sitting for a second reading.

Emergency Measure.

The engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey certain parcels of land in the town of Medfield (see House, No. 4216, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble. Medfield,—
land.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 4 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed bills

Authorizing the appointment of special police officers in the city known as the town of Barnstable (see House, No. 3643); Bills
enacted.

Authorizing the late filing of a tax abatement application for the Amherst Committee for a Better Chance, Inc. (see House, No. 3817);

Authorizing the city of New Bedford to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 4054, amended); and

Authorizing the town administrator of the town of Sherborn to approve warrants for the payment of town funds (see House, No. 4168); (Which severally originated in House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

The House Bill relative to shellfish aquaculture license fees in the town of Fairhaven (House, No. 4127), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence. Third
reading
bill.

Order.

On motion of Mr. DeLeo of Winthrop,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at one o'clock P.M.

Next
sitting.

Mr. Garballey of Arlington then moved that as a mark of respect to the memory of Robert A. Havern, a member of the House from Arlington from 1987 to 1991, inclusive; and a member of the Senate from 1991 to 2007, inclusive, the House adjourn; and the motion prevailed.

Accordingly at twenty-nine minutes before twelve o'clock noon, on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at one o'clock P.M.